

IN RE: PETITION FOR ZONING VARIANCE  
S/S Galloway Avenue, 350' W  
of York Road  
(11 Galloway Avenue)  
8th Election District  
3rd Councilmanic District  
Sharon F. Whelton  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a setback from the center of the road of 47 feet in lieu of the required 50 feet, a setback from the future right-of-way line of 22 feet in lieu of the required 25 feet, an existing driveway width of 10 feet in lieu of the required 20 feet, a rear yard setback of 10.5 feet and a side yard setback of 15 feet in lieu of the required 30 feet for both, and a distance between buildings of 6 feet, 25 feet and 54 feet in lieu of the required 60 feet for each, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by E. George Bendos, Esquire. Also appearing on behalf of the Petition was Paul Lee, Professional Engineer. There were no Protestants.

Testimony indicated that the subject property, known as 11 Galloway Avenue, consists of 0.91 acres more or less zoned M.L.-I.M. and is improved with a 2.5 story dwelling currently used for residential purposes and a detached six-car garage. Testimony indicated Petitioner currently has dental offices across the street from the subject site and is desirous of relocating her practice to the subject site. Dr. Whelton testified that she employs one hygienist to assist her. Testimony and evidence presented indicated that the subject property is well-landscaped

and developed consistent with the remaining residential properties on Galloway Avenue.

Paul Lee testified that absent the requested variances, the Petitioner would suffer an undue hardship and practical difficulty. Further, if strict compliance with the zoning regulations were required, much of the existing landscaping would be destroyed, including two mature trees to the front of the property. Testimony indicated Petitioner's request has received the general approval of both private and commercial residents in the area as indicated by Petitioner's Exhibit 2 through 5.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of December, 1990 that the Petition for Zoning Variance to permit a setback from the center of the road of 47 feet in lieu of the required 50 feet, a setback from the future right-of-way line of 22 feet in lieu of the required 25 feet, an existing driveway width of 10 feet in lieu of the required 20 feet, a rear yard setback of 10.5 feet and a side yard setback of 15 feet in lieu of the required 30 feet for both, and a distance between buildings of 6 feet, 25 feet and 54 feet in lieu of the required 60 feet for each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for her permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and Petitioner would be required to bring the property into compliance with the zoning regulations.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

December 5, 1990

887-5555

E. George Bendos, Esquire  
117 Water Street, 5th Floor  
Baltimore, Maryland 21202

RE: PETITION FOR ZONING VARIANCE  
S/S Galloway Avenue, 350' W of York Road  
(11 Galloway Avenue)  
8th Election District - 3rd Councilmanic District  
Sharon F. Whelton - Petitioner  
Case No. 91-158-A

Dear Mr. Bendos:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE 150  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-158-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section ...SEE SCHEDULE OF VARIANCES REQUESTED ATTACHED-HEREETO

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Existing house is being readapted and unable and impractical to move and/or replace said house and structures. The integrity of the property and the community and ecological factors must be considered by maintaining existing driveway and landscaped gardens.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):

SHARON F. WHELTON

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

E. GEORGE BENDOS

(Type or Print Name)

Signature

117 Water Street, 5th Floor

Baltimore, Maryland 21202

City and State

Attorney's Telephone No.: 301-347-0150

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 25 day

of 10/90 that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 12 day of Dec, 1990, at 2 o'clock

A.M.

FILED 10/6/90

BY JCL

ON TIME OR DAY

1 HR. HANG-TIME

(over)

SCHEDULE OF VARIANCES REQUESTED 91-158-A

Petitioner is requesting a variance to section 255.1 and 238.1 of the BCZR to permit a 47 foot set back from the center of the road and a 22 foot set back from the future right of way line in lieu of the required 50 feet and 25 feet [a variance of three feet]

Petitioner is requesting a variance to section 409.4A or the BCZR to permit an existing 10 foot driveway in lieu of the required 20 foot [a variance of ten feet]

Petitioner is requesting a variance to section 255.1 and 238.2 of the BCZR to permit a 10.5 foot rear yard and a 15 foot side yard set back in lieu of the required 30 foot set back [a rear yard variance of 19.5 feet and a side yard variance of 15 feet]

Petitioner is requesting a variance to section 255.1 [238.2] 102.2 of the BCZR to permit a minimum distance between buildings of 6 feet 25 feet and 54 feet in lieu of the required 60 feet [a variance of 54 feet 35 feet and 6 feet]

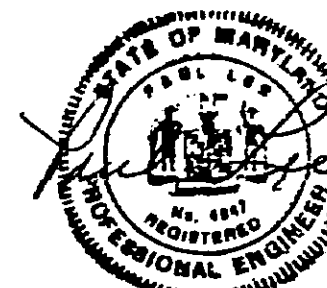
Paul Lee, P.E.

Paul Leo Engineering Inc.  
304 W. Pennsylvania Ave.  
Towson, Maryland 21204  
301-321-5344

DESCRIPTION

11 GALLOWAY AVENUE  
EIGHTH ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

Beginning for the same in the center of Galloway Avenue (30 feet wide), said point also being located westerly 350 feet from the center of York Road, thence leaving said center of Galloway Avenue and at right angles (1) Southerly 200 feet, thence running parallel to Galloway Avenue (2) Westerly 200 feet, thence running parallel to the first line (3) Northerly 200 feet to the center of Galloway Avenue, thence binding on the center of Galloway Avenue and parallel to the second mentioned line, Easterly 200 feet to the point of beginning. Containing 0.91 acres of land, more or less.



Engineers — Surveyors — Site Planners 10/2/90

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th  
Posted for: 7 days  
Petitioner: Sharon F. Whelton  
Location of property: S/S Galloway Avenue, 350' W. of York Road  
Location of sign: South side of Galloway Avenue, in front of subject property  
Remarks:  
Posted by: J. J. Wroten  
Number of Signs: 1  
Date of return: November 16, 1990

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

receipt  
No 3534

Date

10/05/90

	QTY	PRICE
PUBLIC HEARING FEES		
020 - ZONING VARIANCE (OTHER)	1 X	\$175.00
LAST NAME OF OWNER: WHELTON	TOTAL:	\$175.00

Cashier Validation:

04404#0021M1CHRC  
BA C082:59PM10-05-90 \$175.00  
make checks payable to: Baltimore County NEXT BUSINESS DAY



# CERTIFICATE OF PUBLICATION

TOWSON, MD., 11-21-1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11-14-1990

TOWSON TIMES.

S. Zebe Olson  
Publisher

\$92.17

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance  
Case number: 91-158-A  
S/S Galloway Avenue, 350' W of York Road  
(411 Galloway Avenue)  
8th Election District  
3rd Councilmanic District  
Petitioner(s): Sharon F. Whelton  
Hearing Date: Tuesday, Dec. 4, 1990 at 9:00 a.m.

Variance: to permit a 47 ft. setback from the center of the road and a 22 ft. setback from the future right-of-way line in lieu of the required 50 ft. and 25 ft.; to permit an existing 10 ft. driveway in lieu of the required 30 ft. setback; to permit a 10.5 ft. rear yard and a 15 ft. side yard setback in lieu of the required 30 ft. setback; and to permit a minimum distance between buildings of 6 ft., 25 ft. and 54 ft. in lieu of the required 60 ft.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TOW111201 Nov. 14

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 11-21-1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11-15-1990

THE JEFFERSONIAN,

S. Zebe Olson  
Publisher

\$92.17

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

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Case number: 91-158-A  
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J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TOW111201 Nov. 14

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

DATE: 11-29-90

Sharon F. Whelton  
11 Galloway Avenue  
Cockeysville, Maryland

Dennis F. Rasmussen  
County Executive

RE:  
Petition for Zoning Variance  
CASE NUMBER: 91-158-A  
S/S Galloway Avenue, 350' W of York Road  
(411 Galloway Avenue)  
8th Election District - 3rd Councilmanic District  
Petitioner(s): Sharon F. Whelton  
HEARING: TUESDAY, DECEMBER 4, 1990 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$117.17 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: E. George Bendos

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

November 2, 1990

NOTICE OF HEARING

Dennis F. Rasmussen  
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance  
CASE NUMBER: 91-158-A  
S/S Galloway Avenue, 350' W of York Road  
(411 Galloway Avenue)  
8th Election District - 3rd Councilmanic District  
Petitioner(s): Sharon F. Whelton  
HEARING: TUESDAY, DECEMBER 4, 1990 at 9:00 a.m.

Variance: to permit a 47 ft. setback from the center of the road and a 22 ft. setback from the future right-of-way line in lieu of the required 50 ft. and 25 ft.; to permit an existing 10 ft. driveway in lieu of the required 30 ft. setback; to permit a 10.5 ft. rear yard and a 15 ft. side yard setback in lieu of the required 30 ft. setback; and to permit a minimum distance between buildings of 6 ft., 25 ft. and 54 ft. in lieu of the required 60 ft.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Sharon F. Whelton  
E. George Bendos, Esq.

receipt

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

91-158

Date

12/03/90

AMOUNT

PUBLIC HEARING FEES QTY PRICE

1080 -POSTING SIGNS / ADVERTISING 1 X \$117.17

LAST NAME OF OWNER: WHELTON TOTAL: \$117.17

Please Make Checks Payable To: Baltimore County  
0160-80045MICHRD  
COUNTY OF BALTIMORE 12-04-90 \$117.17

Cashier Validation

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

DATE:

Sharon F. Whelton  
11 Galloway Avenue  
Cockeysville, Maryland

Dennis F. Rasmussen  
County Executive

RE:  
Petition for Zoning Variance  
CASE NUMBER: 91-158-A  
S/S Galloway Avenue, 350' W of York Road  
(411 Galloway Avenue)  
8th Election District - 3rd Councilmanic District  
Petitioner(s): Sharon F. Whelton  
HEARING: TUESDAY, DECEMBER 4, 1990 at 9:00 a.m.

Dear Petitioner(s):

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Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: E. George Bendos

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

November 27, 1990

E. George Bendos, Esquire  
117 Water Street, 5th Floor  
Baltimore, MD 21202

Dennis F. Rasmussen  
County Executive

RE: Item No. 150, Case No. 91-158-A  
Petitioner: Sharon F. Whelton  
Petition for Zoning Variance

Dear Mr. Bendos:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plan that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mrs. Sharon F. Whelton  
11 Galloway Avenue  
Cockeysville, MD 21030

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this 24th day of October, 1990.

J. Robert Haines  
ZONING COMMISSIONER

Received By:

James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Sharon F. Whelton

Petitioner's Attorney: E. George Bendos

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: November 16, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Sharon F. Whelton, Item No. 150

The Petitioner requests a Variance to permit a 47 ft. setback from the center of the road and a 22 ft. setback from the future right-of-way line in lieu of the required 50 ft. and 25 ft. to permit a 10.5 ft. rear yard and a 15 ft. side yard setback in lieu of the required 30 ft. setback; and to permit a minimum distance between buildings of 6 ft., 25 ft., and 54 ft., in lieu of the required 60 ft.

Staff has met with the applicant, Dr. Whelton. At the time of our meeting, plans were offered for review. Dr. Whelton's plan to improve the site with a dental office is supported by staff.

The requested variances address existing conditions. This office feels that the granting of variances in this case is appropriate, since the buildings and other improvements existing and no negative impact will result from the reduced setbacks.

Based upon an analysis of the Petitioner's request, staff recommends that the petition be granted.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm  
ITEM150/2AC1

Received  
11/17/90



Baltimore County  
Fire Department  
700 East Joppa Road, Suite 901  
Towson, Maryland 21204-5600  
(301) 887-4500

Paul H. Reincke  
Chief

OCTOBER 24, 1990



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: SHARON F. WHELTON

Location: #11 GALLOWAY AVENUE

Item No.: 150 Zoning Agenda: OCTOBER 23, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. Section 28

REVIEWER: *Noted and Approved*  
Planning Group  
Special Inspection Division

*Approved*  
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

October 12, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 150  
PROPERTY OWNER: Sharon F. Whelton  
LOCATION: S/G Galloway Avenue, 350' W of York Road (#11 Galloway Avenue)  
ELECTION DISTRICT: 8th  
COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

(X) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

(X) PARKING LOCATION (X) RAMP (degree slope)  
(X) NUMBER PARKING SPACES (X) CURB CUTS  
(X) BUILDING ACCESS (X) SIGNAGE

(X) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE, AS SHOWN REVISION Section 28.1.1

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

(X) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 18, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for October 23, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 136, 144, 146, 149 and 150.

For Items 140 and 145, County Review Group Meetings may be required.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:6

WEAVER, BENDOS AND BENNETT

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
FIFTH FLOOR  
107 WATER STREET  
BALTIMORE, MARYLAND 21202  
(301) 347-0550  
FAX (301) 685-2634

R. ROGER DRECHSLER  
COUNSEL

October 5, 1990

J. Robert Haines  
Zoning Commissioner  
Baltimore County Zoning Office  
111 W. Chesapeake Avenue  
Towson, MD 21204

Re: Whelton Zoning Variance  
11 Galloway Avenue  
Cockeysville, Maryland

Dear Mr. Haines:

Pursuant to the filing of a Petition for Variance under Sections 255.1, 238.1, 409.4A, 102.2 of the BCZR under Item No. 150, my client is hereby requesting a conditional permit and/or any other relief applicable to commence renovation of her structure before inclement weather sets in.

Thank you for your considerations. Kindly advise as to when said conditional approval may be picked up so construction permits may be obtained.

*Very truly yours,*  
*E. George Bendos*  
E. George Bendos

EGB:jkc

Mr. Robert Haines  
Zoning Commissioner  
Towson, Maryland 21204

Dear Mr. Haines:

As per our meeting on October 2, 1990, I am writing to request approval of a building permit which will allow me to start building while concurrently applying for the appropriate variances. This property is located on 11 Galloway Avenue, Cockeysville, Maryland 21030. It is located in the 8th election district. All papers have been filed and accepted for the application for variance. The item number is #150. Also, now in the 14th week of application for the building permit. I have found this to be a tremendous burden financially and emotionally. The permit numbers are B063885 and the control number is C129490. All departments have signed off on this permit except zoning.

Thank you for your prompt attention to this matter which is of utmost importance to me.

Again, many thanks.

Sincerely,  
*Sharon F. Whelton*  
Sharon F. Whelton

RECEIVED  
OCT 9 1990  
PLANNING OFFICE

office phone - 667-4820

#150

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

Provisional Approval  
Permit No: C-1294-90  
B-063885

LOCATION: 11 GALLOWAY AVE.

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions: (Please check appropriate box(es))

(X) Owner has filed for a public hearing, Item # 150.

( ) Owner must file for a public hearing within \_\_\_ days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.

( ) Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within \_\_\_ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner in this matter. I also hereby certify that I the undersigned am in fact the owner and I am the contract purchaser and not just an agent for same.

Signed: *Sharon F. Whelton*  
Owner  
(Please print clearly)  
Name: SHARON F. WHELTON  
Address: 11 GALLOWAY AVE.  
COCKEYSVILLE, MD 21030  
Work Phone: 667-4820  
Home Phone:

Signed: *J. Robert Haines*  
Contract Purchaser  
(Please print clearly)  
Name:   
Address:   
Work Phone:   
Home Phone:

Letter 8/1/90 - B063885  
COC-1294-90 UOR

BALTIMORE COUNTY, MARYLAND  
GENERAL CHECKLIST FOR INFORMATION TO BE SHOWN  
ON SITE PLANS FOR COMMERCIAL PERMIT APPLICATIONS

Revised 1-890

This checklist shall serve as a guide in preparing site plans for building permits so that application may be processed in the most efficient manner. TEW 60 copies of the site plan must accompany an application for a building permit. TO AVOID TIME CONSUMING AND COSTLY DELAYS AT THE TIME OF APPLICATION AND DURING PERMIT PROCESSING, ALL INFORMATION MUST BE INCORPORATED ON THE PLAN, DRAWN TO SCALE, AND CLEARLY LEGIBLE.

- (X) NORTH ARROW, ELECTION DISTRICT, COUNTY COUNCIL DISTRICT, TITLE PLAN "PLAN TO ACCOMPANY" PERMIT, AND THE DATE.
- (X) SCALE OF DRAWING: 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', 1" = 60'. If acreage exceeds 40 acres, use 1" = 100' scale.
- (X) OUTLINE OF PROPERTY: Indicated by a heavy bold line and bearings, distances, and gross and net area of parcel(s) (across or square feet).
- (X) VICINITY MAP: A vicinity map must be included on all site plans with the scales of 1" = 200', 1" = 500', or 1" = 1,000' WITH SITE CLEARLY AND ACCURATELY MARKED.
- (X) PREVIOUS COMMERCIAL PERMIT: Number(s) (and control number) of work on the same property and the approximate date of the last improvement listed on the plan.
- (X) ZONING HEARINGS, C.R.G., WAIVERS: If one or more zoning hearings were held regarding this property, the case number(s), date of the order(s), what was granted or denied, and any restrictions must be listed and addressed on the plan. List any C.R.G. approval dates or waiver numbers and dates on the plan.
- (X) ZONING: Zone Districts of the property, parcel(s) and adjacent property, parcel(s). ALL ZONE AND DISTRICT LINES ON THE PROPERTY AND NEARBY PROPERTY, PARCEL(S) MUST BE SHOWN. Copies of the official 1" = 200' zoning map may be obtained in the Zoning Office, Room 113, County Office Building.
- (X) OWNERSHIP: Of parcel(s) and relation of parcel(s) to additional property owner (reference deed numbers, lot numbers and subdivision name). (Check deeds, record plats, or the Department of Assessments in the basement of the Old Courthouse (494-3691, 494-3091)).
- (X) LOCATION: Street address and name of adjoining street(s) and distance from property corner to the nearest intersecting public street centerline. (Check record plats, State tax maps, or utility maps in Room 206, County Office Building).
- (X) STREETS, WIDENING, R/W, EASEMENTS: Include all existing public boundary streets with the existing right-of-way width and paving width. ALSO INCLUDE THE RIGHT-OF-WAY WIDENING REQUIRED, EITHER BY BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS OR THE STATE OF MARYLAND. Include any existing or proposed easements, rights-of-way and indicate public or private. (For Baltimore County Roads, Room 200 and Room 206, County Office Building, State Highways phone number - 333-1350).
- (X) USES, BUILDINGS: Existing location and proposed use of all buildings and property and building locations and uses of all adjacent property.
- (X) DIMENSIONS, SETBACKS: Dimensions, height, number of stories, and location of all existing and proposed buildings (or additions) on this site including property line and between building setbacks.

-1-

OVER

- (X) STREET SETBACKS: And use of all permanent commercial buildings within 100 feet of each side property line to establish average street setback, see Section 303.4 (B.C.Z.R.) and Article 8-2.8.
- (X) ENTRANCES: Location and width of existing and/or proposed entrances (traffic channelization) and their relation to entrances on adjacent properties and properties across the street. Indicate method - curbing, R/W ties. For County requirements, Department of Traffic Engineering (494-3554); State Highways (333-1350).
- (X) SIGNS: All existing and proposed, location, height, square footage, illumination, and single or double faced identified. SHOW ELEVATION DRAWING TO SCALE IF FREESTANDING. Show placement of sign on the building wall, if wall mounted and dimension of the wall.
- (X) UTILITIES: Show location and size of public utilities and the right-of-way adjacent to the site and on-site utilities. In the event that no public water or sewer exist, the means for providing proper water and sewer disposal (well and septic) must be indicated. (Public utilities reference - Room 206, County Office Building.)
- (X) FEATURES: Location of streams, drainage, and pipe systems on or within 50 ft. of the property, and storm water management systems.
- (X) FLOOR AREA RATIO CALCULATIONS: The floor area ratio of the total gross floor area of all the floor areas of all the buildings on a site divided by the gross site area. The gross site area includes up to one-half of the boundary streets to which the property has right of access up to a maximum of 30 feet.
- (X) AMENITY OPEN SPACE: Location and square foot calculations in the following zones - R.A.E.-1, R.A.E.-2, R.O.-1, O-2, O-T, B.L.-C.C.C., B.L.-C.T., B.M.-C.C.C., B.M.-C.T., B.R.-C.C.C., B.R.-C.T. The qualifying A.O.S. areas within the net lot area must be shaded and separate areas subtotaled in square feet on the plan print and included in the Amenity Open Space calculations in the notes.
- (X) HEIGHT LIMIT: Included for buildings above 40 feet (Section 231, B.C.Z.R.).
- (X) FIRE HYDRANTS: Location of fire hydrants and distance to the property.
- (X) SITE PLANS: Must be trimmed to a neat 8-1/2" X 11" or, where larger prints are necessary, they shall be folded to that size. THEY MUST BE CLEARLY LEGIBLE.
- (X) REQUIRED OFF-STREET PARKING AND CALCULATIONS: Must be included on the site plan for all uses on the property pursuant to Section 409 (B.C.Z.R.) and the attached "GENERAL REQUIREMENTS", "CALCULATIONS", "PARKING PATTERNS", and "SAMPLE SITE PLAN".

-2-



parking calculations must be shown on site plans and parking provided in accordance with Section 109 of the Ballwin County Zoning Regulations. The following table shall be used to determine the minimum number of required off-street parking spaces. These requirements are absolute minimums and should be exceeded wherever feasible. The number of off-street parking spaces provided in excess of the minimum number of spaces required for a particular type of use, the requirements may be found in the Ballwin County Zoning Regulations or the Zoning Policy Manual and if not found therein, the Zoning Commissioner shall determine the basis of the number of spaces provided. When the number of spaces calculated in accordance with the regulations is not a whole number, the Zoning Commissioner shall round the number up to the next whole number. When the number of spaces calculated in accordance with the regulations is a fraction, the required number of spaces shall be the nearest whole number greater than the fraction.

[illegible]

August 8, 1990

Re: Building Permit No.  
B 063885  
C0C1294-90

L. Apply for a waiver to allow me to continue using the existing 12 ft. driveway or

2. Widen the driveway to the then current standards if the waiver is denied.

Thank you for your consideration of this

Sincerely,

Sharon F. Whelton, D.D.S.

Sharon F. Whelton, D.D.S.

81-90  
CARL SEWT REVISION  
LETTER & BLUE CHECKLIST

```

PANEL EP1004H
TIME: 15:51:49 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/13/90
DATE: 07/31/90 GENERAL PERMIT APPLICATION DATA PLT 01:27:49

PERMIT # : B063885 PROPERTY ADDRESS
RECEIPT # : A101406 1 GALLOWAY AVE
CONTROL # : CDC-129490 SUBDIV: GALLOWAY PLAT
XREF # : B063885 TAX ACCOUNT # : 0881067423 DISTRICT/PRECINCT 06 04
OWNERS INFORMATION (LAST, FIRST):
NAME: WHELTON, SHAWN
ADDR: 11 GALLOWAY AVE 21030

FEE: 135.00
PAID: 135.00
PAID BY: APPLICANT
DATES:
APPLIED: 07/13/90 NAME: JOHN HUSLATTIS
ISSUED: COMPANY: J&K CONTRACTORS
OCCUPANCY: ADDR1: 2109 OAK RD
ADDR2: 21219
PHONE 2: 300-1685 LICENSE # :

INSPECTOR: JR
NOTES:
MAIL INCL. SET OF CONTR. PLANS WITH PERMIT....JP PASSWORD :

PERMIT - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT CLEAR - MENU
PANEL EP1004H
TIME: 15:51:55 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/18/90
DATE: 07/31/90 BUILDING DETAIL 1 TRACT: 408950 BLOCK: 303B PL 12 06 09
DATA 5 EL 1 PL 1

PERMIT # B063885 PLANS: CONIST 03 PLOT 9 PLAT DATA 5 EL 1 PL 1
TENANT
BUILDING CODE: 2 CONTR: J&K CONTRACTORS
IMPRV 2 ENGRK:
USE 15 SFLR: VELIAC KONE

FOUNDATION BASE WORK: CONSTR. ADD. ON SIDE & REAR OF EXIST. SFD TO BE
CONSTRUC FUEL SEWAGE WATER USED AS A DENTAL OFF. 24X31.5X10=500 SF. (IRR.)
2E 1E CHANGE OF OCC. FROM SFD TO DENTAL OFF. 2ND FL
CENTRAL AIR NOT TO BE USED. PLANS & SEALS WAIVED. HOLD FOR
ESTIMATED COST 50,000.00 STRUCT. CERT. AND 1 HR. DORMER OVER FURNACE.
OWNERSHIP: 1 PROPOSED USE: ADD. & CH. OF OCC. FROM SFD TO DENTAL OFFICE
RESIDENTIAL CAT: 1 EXISTING USE: SFD
#EFF: #1RED: #2BED: #3BED: TOT BED: TOT APTS:
#FAMILY BEDROOMS:
PANEL EP1005H
ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PFI - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU
AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/18/90
BUILDING DETAIL 2 PLM 12 06 09

PERMIT # : B063885 BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR: 1462 SIZE: 200/000X179/000
WIDTH: FRONT STREET:
DEPTH: SIDE STREET:
HEIGHT: FRONT SETB: NC
STORIES: 4 SIDE SETB: 113/NC
KITCHENS: REAR SETB: NC
LOT NOS: 8-9
CORNER LOT:
ZONING INFORMATION: ASSESSMENTS
DISTRICT: NL-IM BLOCK: 0070380.00
PETITION: SECTION: IMPROVEMENTS: 0064270.00
DATE: LIBER:
MAP: FOLIO: TOTAL ASS.:
CLASS: 04

PLANNING INFORMATION PASSWORD:
MNR PLAN AREA: SUBSEWER: CURT AREA:
ENTER - MFI DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

```

PERMIT #: B063885      CONTROL #: C0C-129490      DIST: 68      PREC: 09

LOCATION: 11      GALLOWAY AVE  
SUBDIVISION: GALLOWAY PLAT  
TAX ASSESSMENT \$: 0811067125

OWNERS INFORMATION:  
NAME: WHELTON, SHARON  
ADDR: 11 GALLOWAY AVE      21030

APPLICANT INFORMATION  
NAME: JOHN JOSILAITIS  
COMPANY: J&K CONTRACTORS  
ADDR1: 2109 OAK RD  
ADDR2: 21219  
PHONE #: 388-1685      LICENSE #:

NOTES  
720-4825

MAIL INCL. SET OF CONSTR. PLANS WITH PERMIT....JP

TRACT: 488505      BLOCK: 309B  
PLANS: CONST 03      PLOT 9      R FLAT      DATA 5      ELEC YES      PLUM YES

TENANT:  
CONTR: J&K CONTRACTORS

ENGR:  
SELLR: VELTAC KONE  
WORK: CONSTR. ADD. ON SIDE & REAR OF EXIST. SFD TO BL  
EXIST. AS A DETACH OFF. 24X31.5X10-200 SF. (1PR.)  
CHANGE OF OCC. FROM SFD TO DETACH OFF. 2ND FL.  
NOT TO BE USED. PLANS & SEALS WAIVED. HOLD FOR  
STRUCT. CERT. ADD 1 HR. BGR/FRAME TO BENT. ADD  
SPRINKLER HEAD OVER ENTRANCE.

PROPOSED USE: ADD. & CH. OF OCC. FROM SFD TO DETACH OFFICE  
EXISTING USE: SFD

BLDG. CODE: BOCA CODE      OWNERSHIP: PRIVATELY OWNED  
RESIDENTIAL CATEGORY: DETACHED  
ESTIMATED COST OF MATERIAL AND LABOR: 99,000.00

TYPE OF IMPRV: ADDITION  
USE: OFFICE, BANK, PROFESSIONAL      BASEMENT:       
FOUNDATION:      WATER: PUBLIC EXIST  
SEWAGE: PART. EXISTS      FUEL:       
CONSTRUCTION:  
CENTRAL AIR:

SINGLE FAMILY UNITS  
TOTAL 1 FAMILY BEDROOMS  
MULTI FAMILY UNITS      NO. OF 1 BEDROOM:  
EFFICIENCY (NO SEPARATE BATHROOM)      NO. OF 3 BEDROOMS OR MORE:  
NO. OF 2 BEDROOMS      NO. OF APARTMENTS:  
TOTAL NO. OF BEDROOMS:      TOTAL NO. OF APARTMENTS:

PAGE 4

August 21, 1990

Baltimore County  
Department of Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Mr. Richards:

Per our conversation this morning about the status of the permit application of ~~116~~ Galloway Avenue, it is our understanding that our latest submittal (8/8/90) represents all that your department requires of J&K Contractors in the process, and that in order to get final approval, the owner must either agree to a wider driveway or request a waiver.

Furthermore, having been informed by you this morning of GWS' involvement, we reiterate as in our letter 8/8/90, that they are not in any way associated with J&K Contractors, and are not to be considered our agents.

Therefore as the contractor applicant for this permit, we request a written clarification from you as to the current disposition of our permit application.

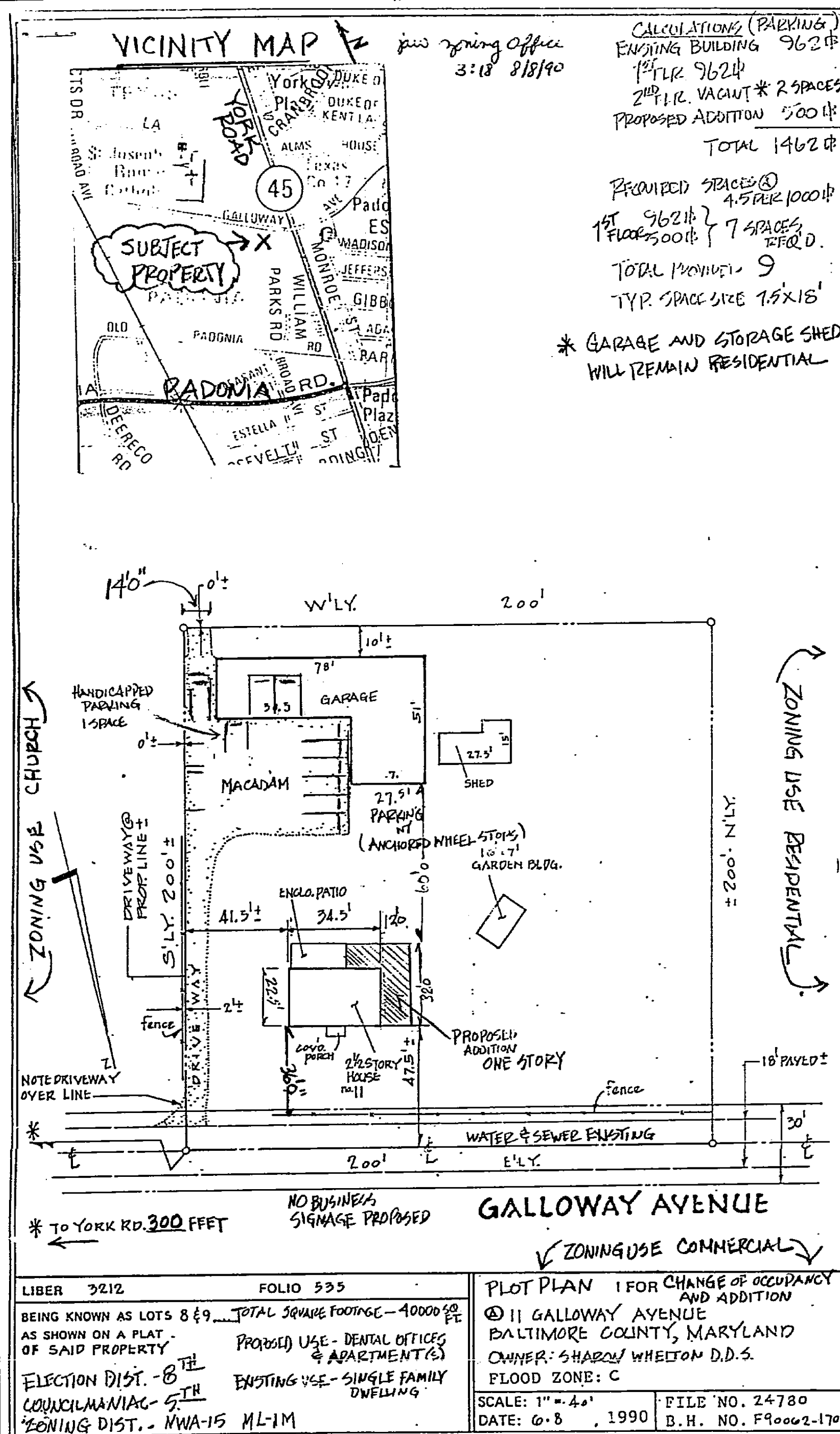
Very Truly Yours,

*John Jasilaitis*  
John Jasilaitis  
Vice President

RECEIVED  
AUG 27 1980

ZONING OFFICE

RECEIVED AUG 27 1960



**J & K CONTRACTORS**  
GENERAL CONTRACTORS  
2109 OAK ROAD BALTIMORE, MARYLAND 21219  
(301) 388-0686 FAX (301) 388-1706

Gen. Housing Office 3:18 8/3/90

MR. CARL RICHARDS  
BALTIMORE COUNTY

8/8/92

DEPARTMENT OF PERMITS & LICENSES  
COUNTY OFFICE BUILDING  
TOWSON, MARYLAND 21204

RE: 11 GALLOWAY AVE

DEAR MR. RICHARDS,

THANK YOU FOR YOUR HELP IN DETERMINING, PER  
OUR TELEPHONE CONVERSATION THIS MORNING, WHAT ARE  
THE FINAL (REMAINING) CRITERIA WHICH MUST BE MET  
IN OUR APPLICATION FOR A BUILDING PERMIT, TO BE APPROVED  
BY YOUR DEPARTMENT.

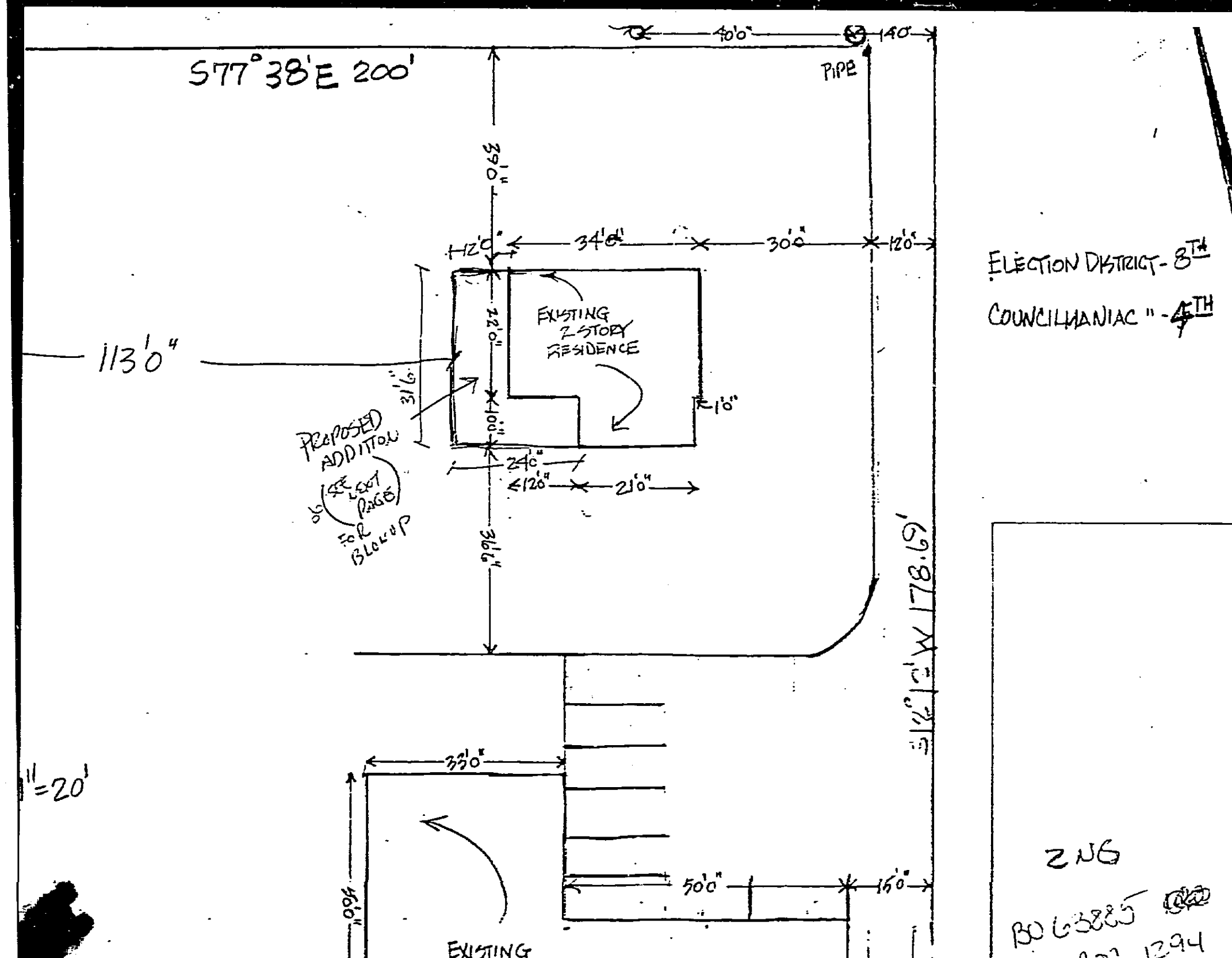
WE BELIEVE THE AMENDED DOCUMENT (ATTACHED) SATISFACTORILY MEETS ALL OF YOUR REQUIREMENTS EXCEPT FOR THE ISSUE OF THE DRIVEWAY (i.e. EMARGED TO 20 WIDTH???)

FOR THE ISSUANCE OF THE PERMIT. THAT ISSUE WILL BE ADDRESSED BY THE OWNER UNDER SEPARATE COVER (I WAS ADVISED BY THE OWNER) I SPUN TODAY THAT SHE WILL WRITE A LETTER STATING HER POSITION OR INFERENCE WHAT 'BOILS DOWN' ~~TO~~ (IN MY OPINION) TO A (CONDITIONAL) REQUEST FOR WAIVER THAT ISSUE, AT THIS POINT, IS BETWEEN BALTIMORE COUNTY AND THE OWNER. NO FURTHER ACTION IS NOTHING ELSE REQUIRED.

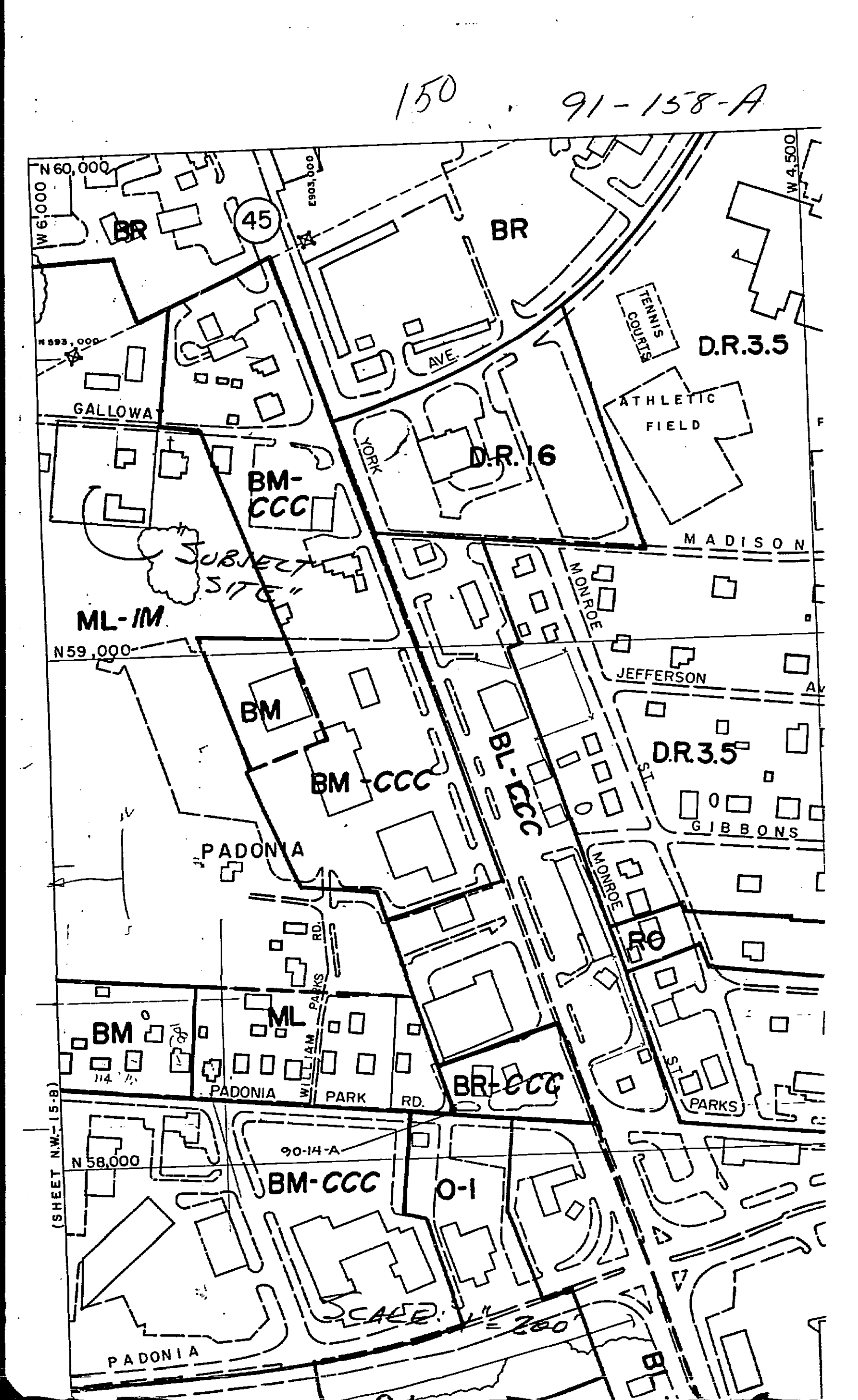
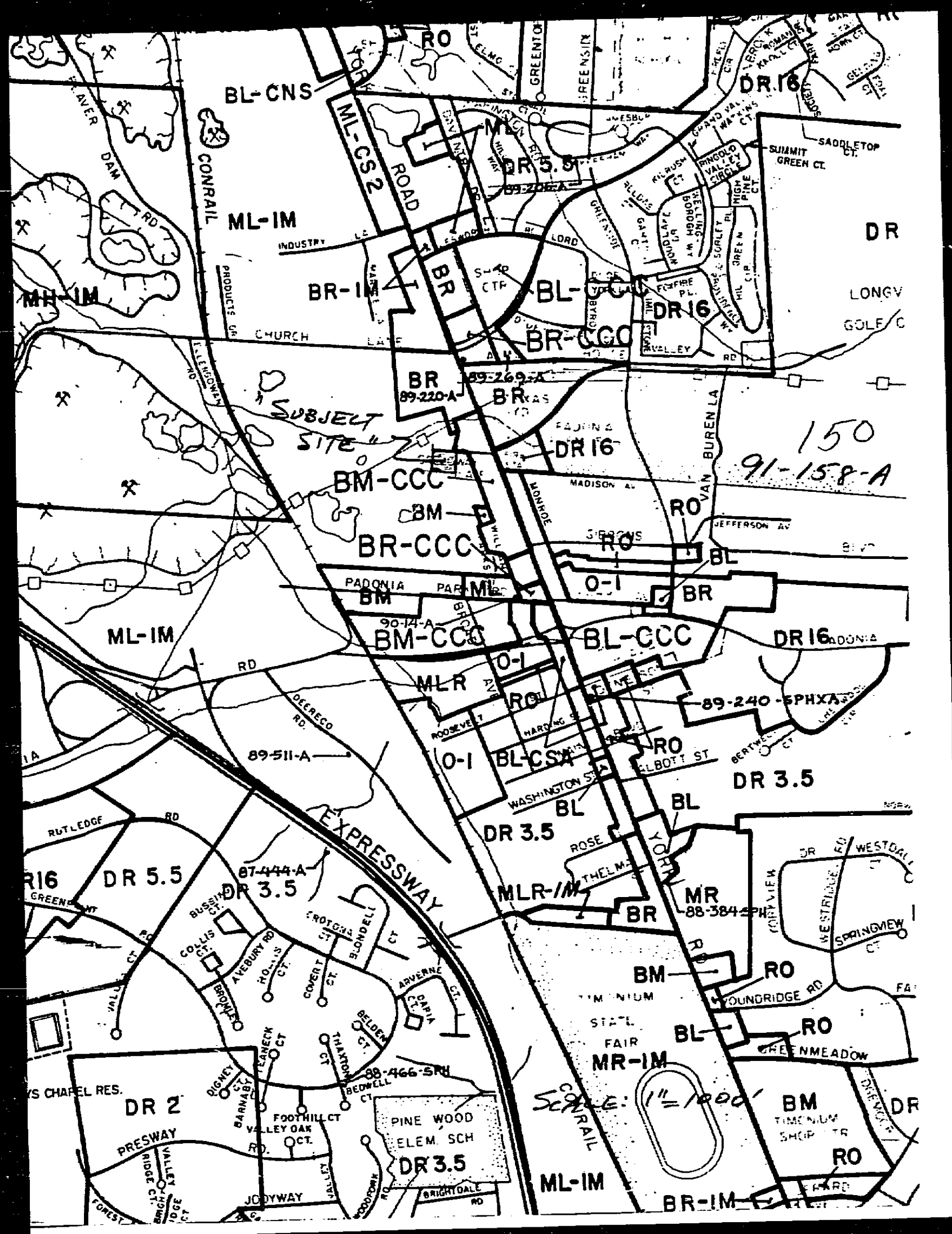
THE OWNER,  
PLEASE ADVISE IF THERE IS ANYTHING ELSE REQUIRED  
OF THE GENERAL CONTRACTOR TO FACILITATE YOUR APPROVAL  
AT THIS TIME.

VERY TRULY YOURS  
J. L. F.

VERY TRULY YOURS  
J. C. Fairbank







# **GENSTAR**

Genstar Stone Products Company  
Executive Plaza IV  
Hunt Valley, Maryland 21031  
Telephone (301) 628-4000

## TO WHOM IT MAY CONCERN:

We are aware of the Petition of the new owner, Sharon F. Whelton, of the property known as 11 Galloway Avenue, Cockeysville, Maryland, and her plans to operate a medical/dental office from said premises.

The premises are beautifully maintained and the gardens and trees enhance the environmental and scenic beauty of this neighborhood. We would hope that the trees and shrubs could be preserved to enhance the aesthetic beauty of this neighborhood.

Furthermore, we are aware that the Petitioner has garage structures on the rear of said premises. The rear of the Petitioner's property adjoins our property and we were aware of the existence of said structures when the Petitioner purchased the property. Said structures are and have been within the 30-foot required set back. Kindly be advised that said structures do not represent any problem to the use and enjoyment of our property. Therefore, we do not object to said structures remaining on said premises.

Respectfully submitted,  
GENSTAR STONE PRODUCTS COMPANY

By: *Gerald F. Talbot*  
Gerald F. Talbot  
Manager, Land Management

**PETITIONER'S  
EXHIBIT 2**

91-158A

**PETITIONER'S  
EXHIBIT 6**

91-158A

11 Galloway Ave.  
Cockeysville, Md.  
September 30, 1990

Dear Sirs:

We are writing to support the charm and character of 11 Galloway Avenue. Without a doubt, the existing trees and landscaping are an asset to this area. We would hope that this beautiful property can be maintained without change. Dr. Sharon Whelton plans a dental office in a setting which will provide a tranquil environment for her patients. The gardens are lovely and have been nurtured for many years. Any change would be a most unfortunate happening.

Thank you

Sincerely,  
Elizabeth K. Caslin

**PETITIONER'S  
EXHIBIT 3**

91-158A



## **THE TEXAS UNITED METHODIST CHARGE**

The Frames Memorial, Poplar Grove, and Texas Churches  
9 Galloway Avenue  
Cockeysville, Maryland  
21030

September 14, 1990

### To Whom It May Concern:

On behalf of Texas United Methodist Church, we are very glad that Dr. Sharon Whelton will be our new neighbor. It is an asset to us for the property next door to remain as it is. The trees and flowers add a tranquil atmosphere to Galloway Avenue which enables our worship. The flow of traffic also is presently limited and will remain so after Dr. Whelton's office is established.

We do hope that she will be able to practice at 11 Galloway Avenue without any changes to the driveway or yard as they are.

Sincerely,

*Rev. Karin W. Hammond*  
Rev. Karin W. Hammond

**PETITIONER'S  
EXHIBIT 4**

91-158A

Zoning Commission  
Baltimore County, MD

Dear Sirs:

This is in reference to your consideration of the requested improvements of 11 Galloway Ave., which is known historically as The Kone Property, by its new owner, Dr. Sharon Whelton.

As the neighbors directly to the west of this beautiful property, we wish to express our strong support of the conversion of the Kone House to a dental office with the specific improvements which Dr. Whelton is proposing. The proposed changes will enhance an already attractive structure which is appropriate for her purposes and a key contributor to the still tranquil beauty of the street.

It is particularly important to us that Dr. Whelton should be able to use this property as a dental office with minimal change to the extremely valuable and lovely landscaping of the property. We urge you to provide the necessary variances to protect the unusual beauty of the gardens on this property. The character of which increases the value of all the properties on Galloway Avenue. We would argue especially that Dr. Whelton should not be required to widen or extend her driveway or parking area, which we regard as adequate for her intended use, and any enlargement of which would require the destruction of extremely valuable plantings.

At the time of the construction of 12 Galloway Ave. ("HollyGate"), several variances were granted to the owners of that property, because the principle of "minimal change to a unusually lovely little street" was applied. That principle is more important today than ever. We urge you to consistently follow it in considering and approving Dr. Whelton's request for enhancements to an already fine property.

Sincerely,

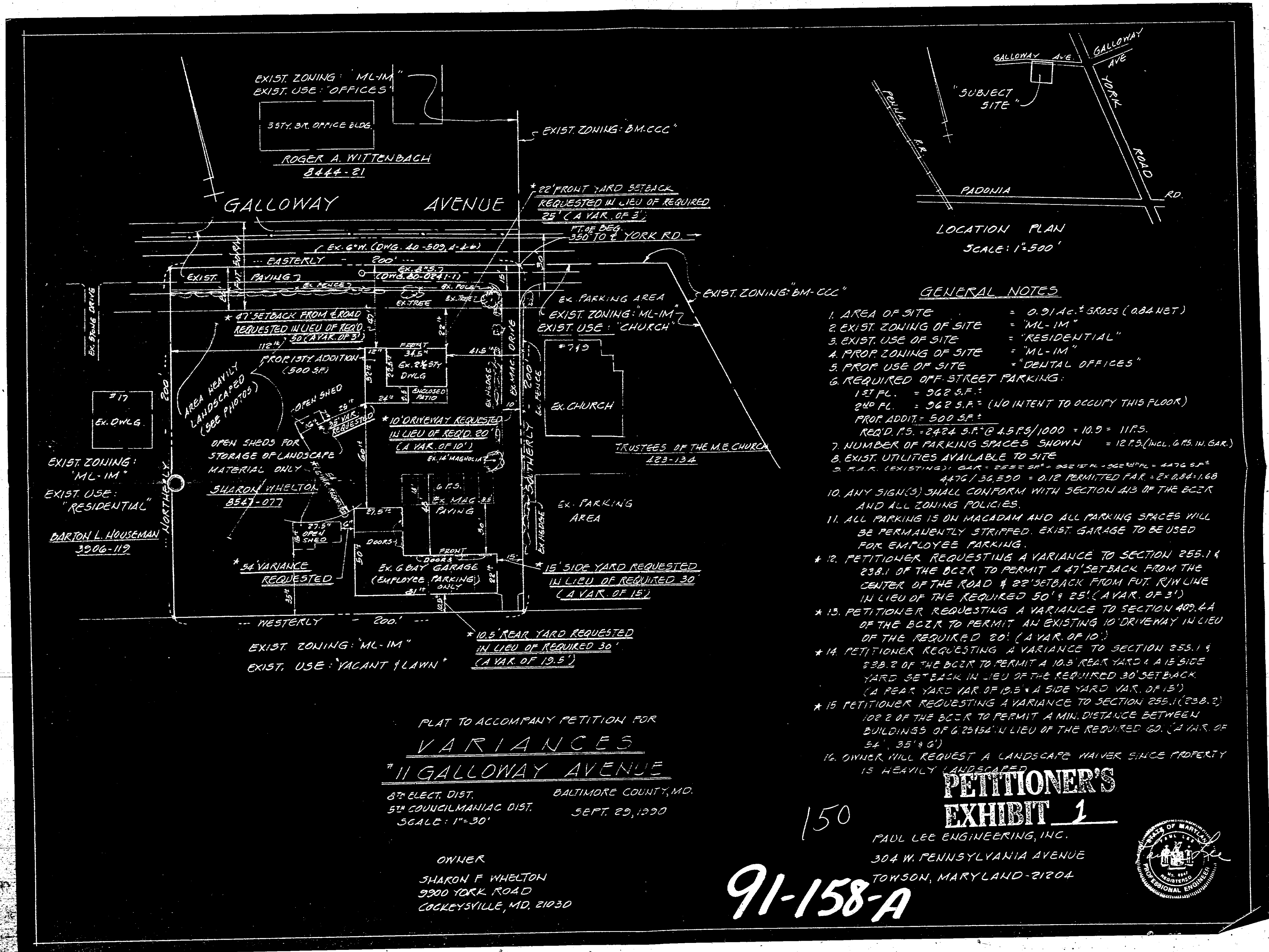
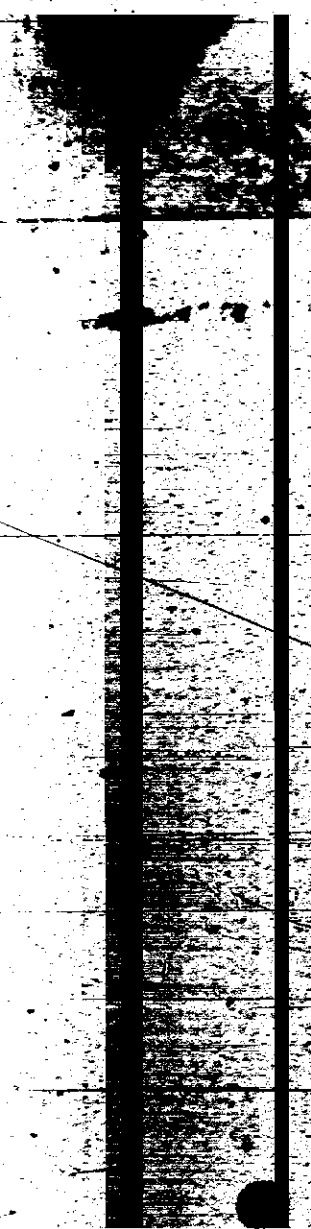
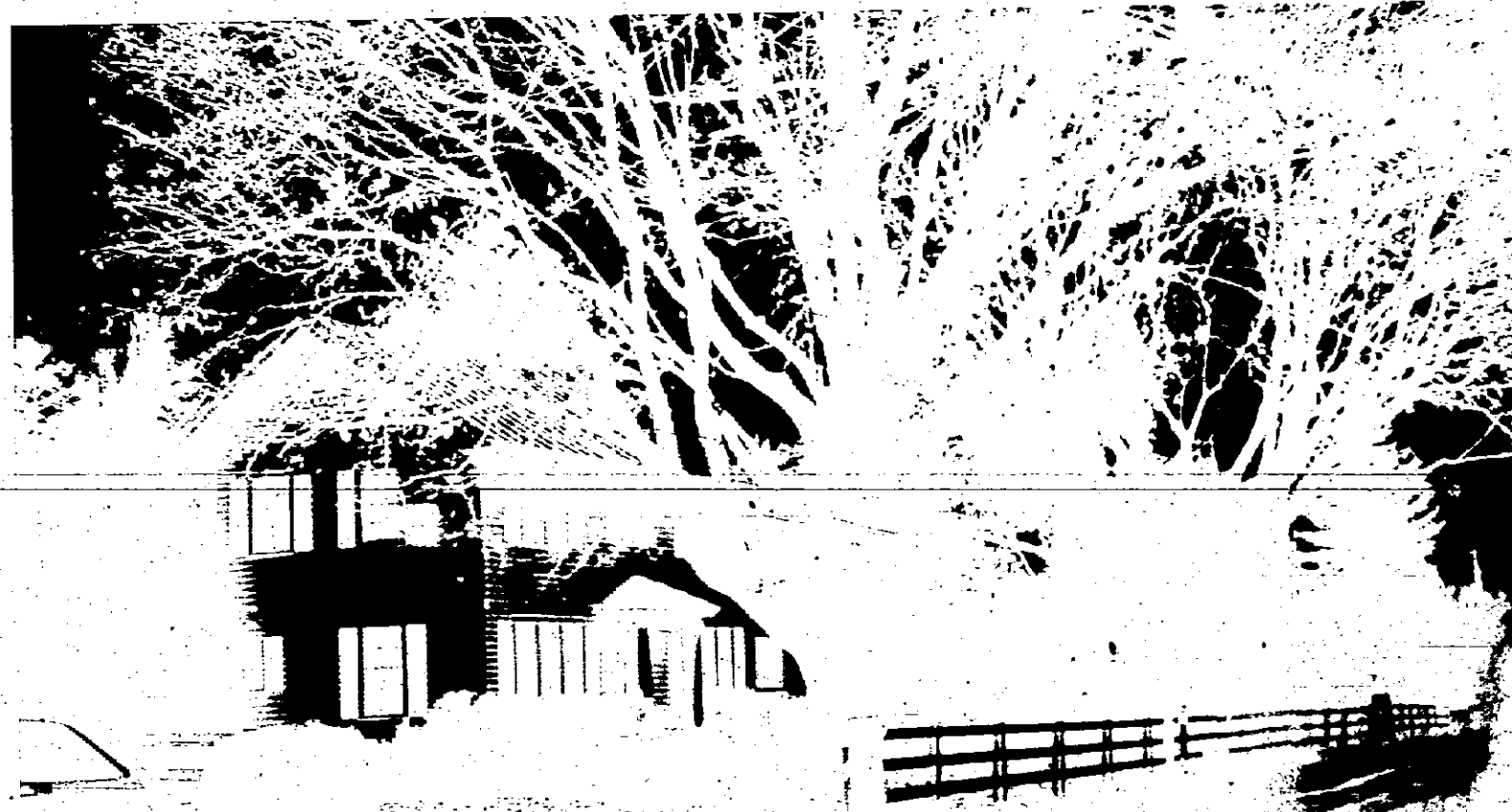
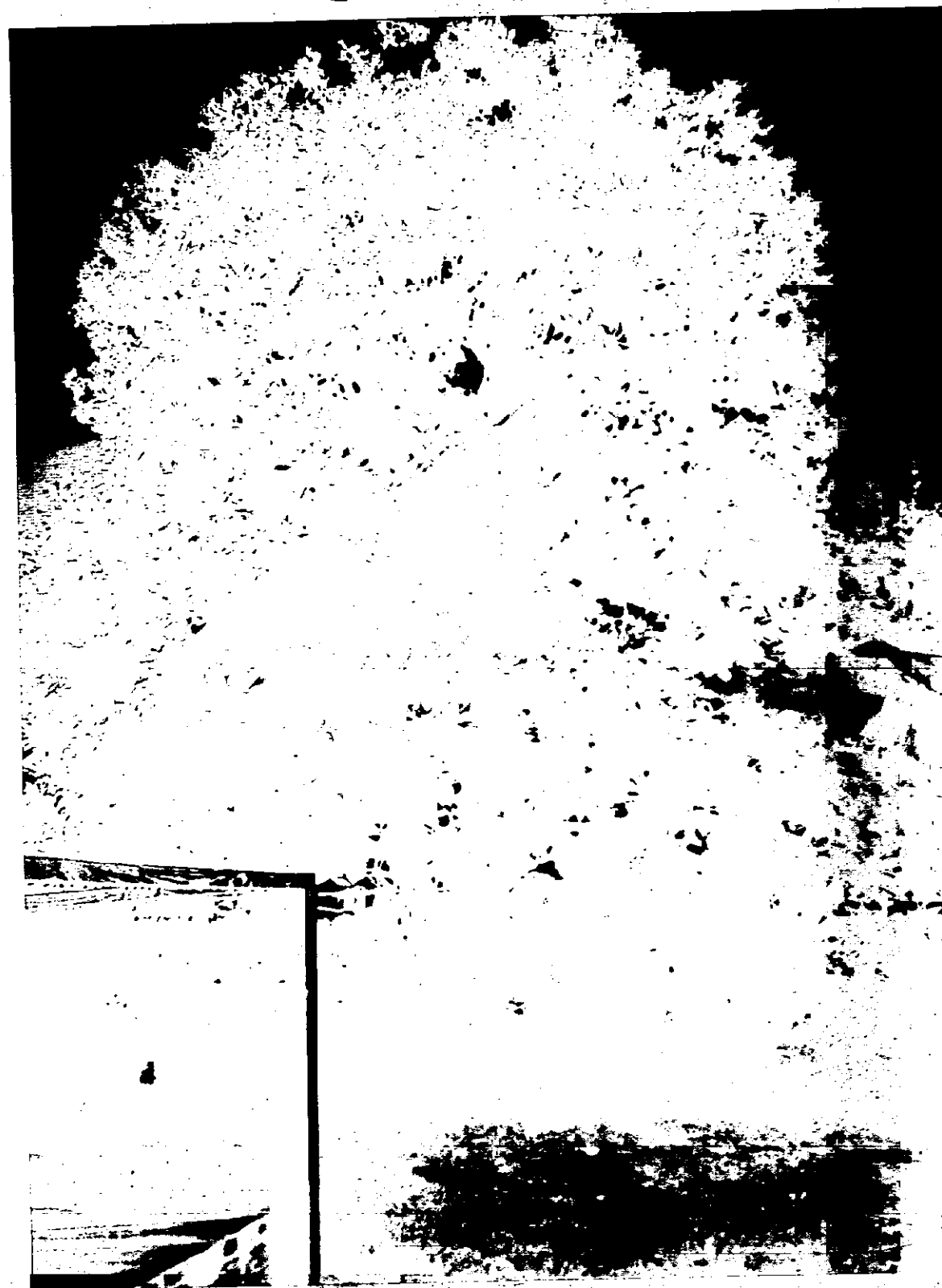
*Barton Houseman* *Doris Houseman*  
10/1/90 Barton and Doris Houseman 10/1/90

**PETITIONER'S  
EXHIBIT 5**

91-158A









## CIRCUIT COURT FOR BALTIMORE COUNTY

SUZANNE MENCH, CLERK  
COUNTY COURTS BUILDING  
401 BOSLEY AVENUE  
P.O. BOX 6754  
TOWSON, MARYLAND 21285-6754

Sharon Whelton Case Number 91-CV-7695  
( ) Civil ( ) Criminal

Vs.

Capitol Realty Limited Partnership,  
d/b/a The Prudential Preferred Properties,  
et al. SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)  
W. Carl Richards, Jr., Zoning Coordinating  
Zoning Administration and Development Management  
111 West Chesapeake Avenue, Room 109  
Towson, MD 21204  
YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and or objects only  
(X) Personally appear and produce documents or objects;  
at Zoning Administration and Development Management, 111 West Chesapeake  
(Place where attendance is required)  
Avenue, Room 109, Towson, MD 21204

on Thursday the 23rd day of September, 1993, at 1:30 p.m.

YOU ARE COMMANDED to produce the following documents or objects:  
Zoning File 9158 and all attachments thereto and any other documents  
regarding 11 Galloway Avenue, Cockeysville, MD 21030

Subpoena requested by (X) Plaintiff; ( ) Defendant; and any questions should be referred to:

Jeffrey S. Goldstein, 1 N. Charles St., #222, Balto., MD 21201, 532-2222  
(Name of Party or Attorney, Address and Phone Number)  
Date issued September 22, 1993

## NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.  
(2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.  
(3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

## SHERIFF'S RETURN

( ) Served and copy delivered on date indicated below.  
( ) Unserved, by reason of \_\_\_\_\_  
Date: \_\_\_\_\_ Fee: \$ \_\_\_\_\_ SHERIFF  
Original and one copy needed for each witness

SHARON WHELTON \* IN THE  
Plaintiff \* CIRCUIT COURT  
v. \* FOR  
CAPITOL REALTY LIMITED PARTNERSHIP, \* BALTIMORE COUNTY  
et al. \* Civil Action No.: 91-CV-7695  
Defendants \* \* \* \*

## NOTICE OF DEPOSITION DUCES TECUM

Notice is hereby given, pursuant to Maryland Rules 2-412, 2-413, 2-414, 2-415, 2-416, and 2-419, that the Plaintiff will take the videotape deposition of the following witness:

Deponent: W. Carl Richards, Jr.  
Baltimore County Office of Planning & Zoning  
111 West Chesapeake Avenue, Room 109  
Towson, MD 21204  
Time/Date: Thursday, September 23, 1993 at 1:30 p.m.  
Place: Baltimore County Office of Planning & Zoning  
111 West Chesapeake Avenue, Room 109  
Towson, MD 21204

This deposition is to take place before a duly authorized Notary Public of the State of Maryland or some other officer authorized by law to administer oaths; it is for the purpose of discovery or use as evidence at the trial of this matter, or both; and shall continue from day to day as necessary until completion.

The deponent is required to have available at his deposition all documents, information, materials, and other tangible things related to Baltimore County Office of Planning and Zoning File No. 91588A.

Bertram M. Goldstein

Jeffrey S. Goldstein  
GOLDSTEIN, HOON & ASSOCIATES  
222 Blaustein Building  
One North Charles Street  
Baltimore, Maryland 21201  
(410) 539-2222

Attorneys for Plaintiff

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of September, 1993, copies of the foregoing Notice of Deposition DUCES TECUM of W. Carl Richards, Jr. were mailed first-class, postage prepaid, to the following:

Timothy E. Meredith, Esquire  
Corbin, Warfield, Schaffer  
& Meredith  
4 Evergreen Road  
Severna Park, MD 21146

Thomas G. Bodie, Esquire  
Bodie, Nagel, Dolina, Smith & Hobbs  
21 W. Susquehanna Avenue  
Towson, MD 21204

Jeffrey S. Goldstein

## IMPORTANT MESSAGE

TO: Carl  
DATE: 6/20 TIME: 10:04 A.M.

WHILE YOU WERE OUT  
M. Jeff Goldstein

OF  
Area Code 539-2222

TELEPHONED	✓	PLEASE CALL	✓
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	

RETURNED YOUR CALL

Message: 9158-A Whelton

Operator

TO: WCR	DATE: 9/29/93	TIME: 7:57 AM
FROM: Jeff Goldstein	AREA CODE: 539	NO: 2222
OF: W. Whelton	EXT: 91-158-A	
MESSAGE		
PHONE		
MEMO		
PHOTO		

September 24, 1993

Jeffrey S. Goldstein has taken the zoning file for Sharon F. Whelton, 11 Galloway Avenue, zoning case #91-158-A (along with the supplementary file) to be copied outside of the County Office Building. The file will be returned to Sophia Jennings, ZADM, on this same day before 3:30 p.m. Permission to remove this file from the zoning office was granted by W. Carl Richards, Jr., Zoning Coordinator, on September 23, 1993.

Jeffrey S. Goldstein  
1 North Charles Street  
Suite 222  
Baltimore, MD 21201  
532-2222

Returned 9/24/93  
3:32 PM  
pj

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

August 1, 1990

John Jasilaitis  
JKK Contractors  
2109 Oak Road  
Baltimore, MD 21219

RE: Building Permit No. B-063885  
Control No. C-1294-90  
11 Galloway Avenue  
8th Election District

Dear Mr. Jasilaitis:

The Zoning Office cannot approve the above referenced building permit application for the following reason(s):

- XXX Improper setbacks  
XXX Inspection of the property must be made  
XXX Insufficient information on permit  
XXX REVISED PLANS (10 COPIES) MUST BE SUBMITTED TO COUNTER IN ROOM 100, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND. ALL PLANS MUST BE ACCOMPANIED BY A COVER LETTER LISTING THE REVISIONS AND REFERENCING THE PERMIT AND CONTROL NUMBER. REVISED PLANS MUST BE SUBMITTED IN PERSON.  
XXX See the "X" items on the enclosed checklist. Many required items are missing and must be addressed on a legible and complete commercial site plan.

If you have any further questions, you may contact John Sullivan at 887-3391.

Very truly yours,

W.C.R.

W. Carl Richards, Jr.  
Zoning Coordinator

MCR:scj

cc: Dr. Sharon Whelton  
Zoning File  
Planning File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

Provisional Approval  
Permit No. C-1294-90  
B-063885

DATE: 10/9/90

LOCATION: 11 Galloway Ave.  
#11 Galloway Ave.

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions:  
(Please check appropriate box(es))

- ☒ Owner has filed for a public hearing, Item # 150.  
☐ Owner must file for a public hearing within \_\_\_\_\_ days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.  
☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within \_\_\_\_\_ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

I have read the above statement and I agree to abide by the decision of the Zoning Commissioner in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent for same.

Signed _____ Owner	Signed _____ Contract Purchaser
(Please print clearly)	(Please print clearly)
Name: SHARON F. WHELTON	Name: _____
Address: 11 Galloway Ave., Towson, MD 21204	Address: _____
Work Phone: 410-712-2100	Work Phone: _____

J. Robert Haines  
Zoning Office Staff



